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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,068	10/01/2003	Evan Earl Evans	084554-9130	8120

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EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,068

Applicant(s)

EVANS ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: 1.) A clip species of figs. 1-6; and a clip species of figs. 7-8; and 2.) A clip orientation of fig. 10; and a clip orientation of fig. 11.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, all claims are generic generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Ussai on March 15, 2005 a provisional election was made without traverse to prosecute the invention of the clip species of figs. 1-6 and the clip orientation of fig. 10, claims 1-26. Affirmation of this election must be made by applicant in replying to this Office action. No claims are currently withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The disclosure is objected to because of the following informalities: On page 10, line 3, "30" should be replaced with --32--. On page 12, line 10, "52" should be replaced with --54--. On page 13, line 1, "9 and 12" appears to be inaccurate.

Appropriate correction is required.

Claims 7, 8, 23, 25 and 26 are objected to because of the following informalities: In claim 7, lines 2-3, there is no antecedent basis for "the hinge". In claim 8, line 5, --the-- should follow "that". In claim 23, line 5, --the—should follow "that". In claim 25,

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line 9, there is no antecedent basis for "the body". In claim 26, line 14, there is no antecedent basis for "the bore axis". Appropriate correction is required.

Applicant should note that claim 23 currently depends from claim 1, and it appears that it was intended to depend from claim 11, since claim 8 depends from claim 1 and includes the same subject matter of claim 23.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13, 16, 17 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Dery.

It is first noted that a lock is not being positively claimed, and that the clip of Dery is capable of use with a lock. Dery teaches a clip 5 having a rectangular cross-section and having a notch (7) providing a hinge portion to allow the first and second arm portions on each side of the hinge to be easily spread apart to allow its removal. With respect to claim 13, the faces of the clip which define the V-shaped (which is regarded as being generally U-shaped) notch are regarded as the claimed first and second section of the hinge. The face of the clip which abuts the nut 1 is regarded as the claimed retention surface.

Claims 1-5, 8, 23 (assuming claim 23 depends from claim 1) and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz.

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Schwartz teaches a retainer clip 54 having an arcuate body with projections 56, 57 which are engageable in plug openings 51. The face of the clip which abuts the housing 59 in fig. 4 provides a retention surface.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Jacobi (695). Jacobi teaches a clip 25 of rectangular cross-section, with any one of its surfaces defining a retention surface which is capable of use with a lock, even though a lock is not positively claimed. Jacobi also teaches a U-shaped portion 26 which is capable of acting as a hinge portion to allow movement of the ends of the clip about the hinge.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (122) in view of Jacobi (695).

Lin teaches a clip 13 for use with a plug 2 having an annular groove 21 to abut the housing 1 of the lock and prevent axial movement of the plug. Jacobi teaches a central hinge 26, as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a hinge with the clip of Lin, in view of the teaching of Jacobi, to optimize its flexibility and simplify its removal. With respect to claim 18, it is noted that the hinge of Lin as modified by Jacobi is capable of use as a key stop surface, and that a lock and keyway are not being positively claimed.

Claims 1-7, 9-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sussina in view of Dery.

Sussina teaches a clip 70 having ends and inwardly extending projections which are approximately 180 degrees apart, and a generally U-shaped portion 70a extending radially inwardly. Dery teaches a hinge 7, as set forth above. It would have been obvious to modify the portion 70a of Sussina such that it functions as a hinge, in view of the teaching of Dery, the motivation being to simplify removal of the clip, when desired. The surface of the clip of Sussina which faces the key of the lock defines a retention surface. With respect to claim 18, a lock and key are not being positively claimed.

Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sussina in view of Dery as applied to claims 1 and 11 above, and further in view of Lin. Lin teaches a clip having a rectangular cross-section. It would have been obvious to modify the clip of Sussina to include a rectangular cross-section, in view of the teaching of Lin, to optimize its strength.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Dery or Nell.

Lin teaches a clip 13 used with a plug and lock housing. Dery teaches a clip hinge 7, as does Nell teach a clip hinge 8. It would have been obvious to provide a hinge with the clip of Lin, in view of the teaching of Dery or Nell, the motivation being to simplify its removal, when desired.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
April 15, 2005


Lloyd A. Gall
Primary Examiner